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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Fourth session

SUMMARY RECORD OF THE 18th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 26 January 1990, at 10 a.m.

Chairman: Mr. BADAWI EL SHEIKH

later: Mr. NENEMAN

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The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS (agenda item 6)

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

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Argentina (E/1988/5/Add.4)

1. At the invitation of the Chairman, Mrs. Regazzoli, Mr. Strassera, Mr. Patiño Mayer, Mr. Mayoral and Mr. d'Alotto (Argentina) took places at the Committee table.

2. The CHAIRMAN invited the Argentine delegation to present its country's initial report, with particular reference to the list of issues prepared by the Working Group (E/C.12/1990/Misc.13).

3. Mrs. REGAZZOLI (Argentina), after indicating that she represented the Argentine Government headed by Mr. Carlos Menem since 9 July 1989, said that she would reply to the questions on the report submitted by the previous Government, and that the additional report by the current Government, which would be transmitted to the Committee at a later date, would give a detailed account of President Menem's views on the question of economic, social and cultural rights.

4. She recalled that economic realities had an undeniable impact on the interests of individuals and peoples and that there were circumstances in which, under the weight of those realities, Governments lacked the means to fulfil their obligations and had to tackle situations that jeopardized not only their peoples, but also the universal aspirations to justice and peace.

5. A vision of technical progress marked by materialism and egoism had helped to obscure the fact that the international economic order was particularly unjust. The external debt weighing down the developing countries intensified the international concentration of capital and power. That modern form of domination paid scant attention to the fate of peoples, who were condemned to ever-mounting suffering. Hunger, lack of adequate housing, unemployment and the deterioration of public health and education were but part of the price paid by peoples, and constituted a consistent pattern of massive human rights violations.

6. Under the military Governments, Argentina had been isolated, split between fear and impotence. At the same time there had been a vast speculative movement by national and international finance, which had replaced work and effort by the unbridled pursuit of unproductive profit, while an amoral and artificial form of capitalism had encouraged a flight of resources. The Argentine people had subsequently experienced a crisis affecting not only its economy, but also all those components of human dignity with which it was possible to undertake the building of a better world. Fortunately, the Argentine people had nevertheless understood that education and culture alone could save them from foundering, by liberating the country's authentic ancestral forces.

7. As Juan Perón, the former President of Argentina, had observed, progress was directly dependent upon the level of morality. Argentina had to make a special effort to restore that moral level, and education was the best means of doing so. National education policy took as its starting-point the concept of an organized community, and was designed to provide individuals with the freedom to decide for themselves, and for their children, the manner in which that community should be organized. In order to achieve that objective, it was first of all necessary to carry out a searching analysis of the current situation and of future prospects, and subsequently to prepare, on that basis, an educational project to guarantee the development of a sound sense of national identity and to ensure that the people took part in building the nation. On the basis of those principles, the Argentine Government had decided to change the educational system, in particular so as to ensure that current inequalities should be eliminated over time.

8. The family had a major role to play in that task as it was the fundamental group unit of human society. However, the Government and international institutions also had responsibilities to perform, for example by helping the most vulnerable sectors of the population with social programmes adapted to their requirements. The Argentine Government was determined to pursue certain fundamental objectives in the field of education, namely to provide an education designed to ensure the fulfilment of the human being and the physical, mental and spiritual development of the personality at all stages of life; to promote the moral development of human beings through solidarity and social justice; to prepare citizens for democratic coexistence and the exercise of freedom; to facilitate genuine social advancement; to reinforce the role of the family and of teaching in the training of individuals; and to contribute by means of education to consolidating national unity through knowledge of and respect for local and regional characteristics within the national, Latin American and universal context.

9. Thanks to various types of special education, the Argentine education system facilitated the education to all sectors of society and also made it possible to deal with special cases not covered by the common system. In that connection, she emphasized the need to establish throughout the country departments to diagnose and take responsibility for individuals affected by specific problems, so as to facilitate their incorporation into the family, society and the economy. The Government also intended to organize educational programmes for the rural, indigenous and frontier populations to match local, provincial and national development plans.

10. With respect to continuing education, the Government intended to establish a comprehensive further education department with the necessary resources to eradicate illiteracy. The department would take account of research and studies concerning the needs and aspirations of the population and would also aim to foster awareness of human rights pursuant to the spirit and letter of the Covenant, and would be open to all the country's inhabitants: those who had not been able to follow regular schooling, as well as those who wished to acquire new knowledge or scientific, technical, cultural or professional retraining. The specific objectives of the department would be to raise the population's cultural level, to teach adults to read and write, to facilitate the acquisition of new knowledge, to develop an aptitude for organized work, to develop each citizen's awareness of his rights and a sense of his responsibilities in the world of work, to encourage

the settlement of frontier communities and indigenous populations and, finally, to disseminate national and universal culture while fostering better relations between individuals.

11. In order to safeguard education it was necessary to show concern for all social problems, as rejection of social needs could undermine freedom and even jeopardize the development of individuals. Armed aggression was generally preceded by a social, economic and cultural regression, and nurtured by the resentment of a people that had lost its sense of integrity.

12. With those considerations in mind, the Argentine Government had decided to reorganize national education and had set out to perform the following tasks: gradually to create the conditions necessary for education to become a recognized right for all, with regard both to equality of access to the educational system and to equality of opportunity; to extend pre-school, primary, middle and special education to the whole of the population; to expand university or non-university technical education and to organize post-university education and centres of excellence; to ensure in particular that children and adolescents developed an awareness of their obligations towards society; to prepare young people for work, by providing them with training to allow them to take their place within society in accordance with their own rate of development and level of training; to use all possible means to combat illiteracy, dropping out from school and repeating of school years; to organize a decentralized school administration capable of taking into account regional, provincial and local characteristics, within the overall framework of a national system that reasserted the principles of identity and sovereignty; to make the best possible use of the available human and material resources so as to optimize use of current and future funds; to transform the teaching profession into the driving force for the required changes; to improve the quality of teaching throughout the country, and in particular in regions with scant resources and in rural frontier areas; to establish appropriate means of communication to stimulate active participation by the family and the community in the search for solutions in the educational sphere; to make the most efficient use of teaching resources; and to establish libraries, museums, scientific and cultural centres and youth clubs throughout the country.

13. She hoped that those efforts would enable Argentina to receive increased and less intermittent international co-operation.

14. In reply to question (a) (incorporation of the Covenant in domestic legislation) in section I of the list of issues drawn up by the pre-sessional Working Group (E/C.12/1990/Misc.13), she quoted article 31 of the Argentine Constitution, which stipulated that "... all international treaties and covenants ratified by Congress constitute the supreme law of the nation ...". As the Covenant had been ratified by Congress on 17 April 1986, its provisions had acquired the force of law.

15. In reply to question (b) (the share of official development assistance and international co-operation in programmes connected with economic, social and cultural rights), she observed that a series of activities had been developed with UNESCO assistance to strengthen national educational policy. The heads of non-governmental organizations associated with UNESCO in consultative status had met in that connection, and a committee for liaison with the Government had been set up. The Ministry of Education had devised

approximately 80 programmes adapted to the different aspects of UNESCO's programme. The Ministry had also decided to implement the recommendation on education for international understanding, co-operation and peace and education relating to human rights and fundamental freedoms. That recommendation guided current policy, which emphasized the moral training of the individual and was gradually being implemented at all levels of education.

16. As part of the UNESCO peace plan, the Argentine Government had prepared and implemented an interregional project which it was carrying out in co-operation with Bulgaria and which concerned nine associated schools. The United Nations had proclaimed 1990 International Literacy Year and Argentina was moreover in the final stages of establishing a national committee for International Literacy Year.

17. Loans granted by the Inter-American Development Bank and assistance from the Organization of American States had made it possible to initiate a series of projects designed to support educational policy: a national system of school libraries, fundamental education, post-literacy, technical and vocational training, and provision of educational equipment designed for the media.

18. In connection with question (c) (the impact of the external debt on the enjoyment of the rights recognized in the Covenant), she said that the international community was certainly not unaware of the economic difficulties being experienced by developing countries, or of the efforts made by the Governments of those countries to meet their international commitments while ensuring the development of their peoples and preserving social justice. The problem was all the more worrying in that the situation of those countries had become even worse in recent years, on account of the overwhelming burden of the external debt and the state of the world's economy. The subsidies granted by some countries together with the protectionist barriers they had set up by them to prevent the entry of products from the debtor countries were particularly disturbing. In those trying circumstances, which compelled the peoples of Latin America to make enormous sacrifices, it was extremely difficult for Governments to implement measures designed to ensure full enjoyment of economic, social and cultural rights.

19. In reply to question (d) (contribution of aid received in the form of international co-operation to the enjoyment of the rights recognized in the Covenant), she noted that 11 per cent of the total international co-operation for development received by Argentina had been allocated to education and culture - 6.78 per cent to education and 4.22 per cent to culture.

20. With regard to question (e) (functions of the Office of the Deputy Secretary for Human Rights in the Ministry of the Interior and of the Office of the Deputy Secretary for Human Rights in the Ministry of Foreign Affairs), she said that the establishment of democracy had stimulated a desire among the people to rediscover the true meaning of human rights, and above all not to forget the dark moments it had experienced under the military régime. All possible steps had to be taken to ensure that those rights were never again systematically violated. Accordingly, at the beginning of 1985 President Alfonsín had established the Office of the Deputy Secretary for Human Rights in the Ministry of the Interior and the Office of the Deputy-Secretary for Human Rights in the Ministry of Foreign Affairs. The former had first of all been responsible for collecting all possible

information on persons who had disappeared, who had been tortured or who had received threats during the military régime, and it had co-operated with the courts to bring to trial those members of the armed forces who had violated human rights during that period. The Office was moreover striving to disseminate knowledge of human rights throughout the country and to publicize information on the implementation of all international conventions ratified by Argentina. In addition, thanks to international co-operation, it was co-operating with the genetic data bank of a hospital in order to identify the children of disappeared persons, many of whom had been abducted by members of the armed forces. Finally, it was engaged in efforts to return to Argentina children who had been abducted to Paraguay.

21. The division which she represented, and which was part of the Office of the Deputy Secretary for Human Rights in the Ministry of Foreign Affairs, was responsible, in particular, for disseminating all international conventions ratified by Argentina, and for organizing seminars designed to acquaint the population with the rights set out in those instruments.

22. Turning to section II of the list of issues, she said, in reply to question (a) (academic freedom) that Argentina's Constitution and legislation guaranteed complete academic freedom, the exercise of which was subject to no form of restriction.

23. In reply to question (b), which concerned paragraph 109 of the report, she explained that the special regulations in question applied not only to itinerant children, but to all children whose parents' occupation required them to change province: the children of government officials, of Gendarmaría personnel, of federal police, of military personnel, etc. Thanks to that system, the academic level reached in one school or university was recognized by all others.

24. In reply to question (c) (whether secondary education was free of charge), she said that both primary and secondary education were entirely free of charge in Argentina. Lending libraries provided books to destitute schoolchildren, and student centres distributed photocopied textbooks.

25. In reply to both question (d) (whether university education was free of charge) and question (e) (university fees), she said that it had been only under the military régime that students had been required to pay fees (10 pesos at the time). University education was currently free of charge.

26. Human rights teaching (question II. (f)) had been compulsory from infant school onwards since 1983. The subject, entitled "civic education and human rights", was also taught in primary and secondary schools, as well as at university. Its aim was, on the one hand, to prepare citizens to live in a democracy and to familiarize them with their rights, and on the other, to ensure that the Argentine people never forgot that it had lived under military rule. Accordingly, debates were organized on the subject in secondary schools, and films such as La historia oficial and La noche de los lápices, illustrating the human rights situation under the military régime, were shown. The Office of the Deputy Secretary for Human Rights in the Ministry of Foreign Affairs was currently concluding an agreement with the law faculties to allow law students to carry out their own research into the human rights situation during that period.

27. Armed forces and police training centres also provided teaching on human rights, in addition to studying the covenants and humanitarian law.

28. Special courses on human rights and on the interpretation of the international conventions to which Argentina was a party had been organized in 1989 for judges. In addition, the Office of the Deputy Secretary for Human Rights had organized seminars on humanitarian law and human rights for members of the armed forces, in conjunction with ICRC and the Ministry of Defence.

29. As far as the system regulating the period of tenure of university posts was concerned (question II. (h)), she explained that university posts were subject to a competitive examination every four years. The holder of a post could take the examination again and keep his post if he was successful.

30. In reply to question II. (i) (private funding for artistic and cultural endeavours), she said that a large number of cultural activities had been organized since 1983 with the assistance of national non-governmental bodies and of international organizations such as UNESCO. As a result, the people of Argentina had been able to attend free concerts by artists such as Luciano Pavarotti and Julio Bocca.

31. In reply to question II. (j) (courses of study that had been suppressed under the military régime), she said that in 1983 a subject known as "ERSA", taught under the military régime, and designed to undermine all values connected with human rights, had been suppressed and civic education had been restored.

32. There was no truth in the rumour that Jews were denied access or only allowed restricted access to military academies (question II. (k)). Under article 16 of the Constitution, all inhabitants were equal before the law. Any form of discrimination on ideological, political, racial or religious grounds was thus contrary to the law. Furthermore, in August 1988 Parliament had adopted Act No. 23,592 on discriminatory acts jeopardizing the human rights and fundamental freedoms of citizens, which specified that anyone who prevented another person from exercising on equal terms the fundamental rights recognized by the Constitution should, at the request of his victim, cease such discriminatory activities and make redress for the material and moral damage inflicted (article 1). The Act also established penalties for racist or discriminatory propaganda, and stipulated harsher penalties when the offences were committed out of racist motives. There were Jewish officers and non-commissioned officers in the army, as well as of other religions. No statistics were kept on the religion of members of the armed forces, precisely to avoid drawing attention to such differences. Pursuant to article 16 of the Constitution, which stipulated that all inhabitants were guaranteed access to employment, without any requirement other than competence, the conditions of access to military academies were the same for all. Consequently, there was no reason for the State to take specific measures on behalf of the Jewish community, which was moreover perfectly integrated into national life.

33. With regard to measures adopted to protect music and the arts, especially in rural provinces (question II. (l)), she noted that the primary objective of the Secretariat of State for Culture was to provide Argentina, which was a federal country, with a pluralist cultural policy and to invite the provinces jointly to prepare the federal plan for culture. The objective was in particular to revitalize creative artistic sources within the country,

in particular by improving the marketing of handicrafts production. That task was the responsibility of the National Anthropology and Folklore Department of the Secretariat of State for Culture. A number of folk music and dance festivals were organized. At Mendoza the grape-harvest festival had provided many local artists with an opportunity to exhibit their literary and artistic works. She also mentioned the National Poncho Festival, at Catamarca, at which all forms of woven fabrics were exhibited.

34. With regard to question III (a) (compulsory primary education free of charge), she stated that education was completely free of charge and that the economic crisis had not jeopardized social policy in that sphere; on the contrary, a glass of milk was now distributed to primary-school pupils in the morning, and a snack in the afternoon.

35. In answer to questions III (b) and (c) (languages of instruction and teaching of indigenous cultures), she said that article 16 of Act No. 23,302 of 1985 stipulated that in regions where there was an indigenous population, primary education was provided in the children's mother tongue for the first three years, and subsequently bilingually. The Act also made provision for training bilingual teachers. The parliaments of the provinces of Salta, Neuquén, Formosa and Chaco had adopted similar provisions. For example, at Chorreaca (Neuquén province), a rural vocational training centre provided teaching in Spanish and in Mapuche. In the Chaco, teaching was not only bilingual but bicultural, i.e. it was adjusted to local conditions and ways of life. Finally, in Salta province, training centres taught future bilingual assistant teachers to teach in a number of Indian languages, such as Mataco and Chulupi. She specified that the most recent censuses had identified a population of 200,000 indigenous people in Argentina out of a total population of 32 million.

36. In answer to question III (d), she acknowledged that nearly one third of pupils did not complete their primary education. The Government had set up a system of distance learning, which was also available, within the framework of continuing education, to adults living in remote regions. Literacy plans were supplemented by intensive vocational training courses.

37. While it was true (question III (f)) that the percentage of the budget devoted to education was lower than in the other South American countries, that was because the Government intended to decentralize and federalize education. (Only teacher-training colleges were managed by the federal State.) Accordingly, in 1989 educational expenditure had accounted for only 8 per cent of the national budget, as against 13 per cent in 1988. At the provincial level, the figures were quite different. In the province of La Pampa, for example, expenditure on education accounted for 25 per cent of the budget.

38. As far as teachers' salaries were concerned (question III (g)), an agreement in that sphere had recently been signed by the Ministry of Labour and the Ministry of Education. However, she invited members of the Committee to bear in mind that wages were generally low in Argentina, and not to forget that 12 million Argentine citizens were unable to meet their basic needs.

39. In a further reply to question I (d), she said that Argentina undertook many international co-operation projects with the World Bank (EMER and EMETA projects for the construction and equipping of schools in the 24 national districts), as well as with UNESCO, OAS and various non-governmental organizations.

40. Turning to question IV (a) (participation in cultural life), she recalled that Argentina possessed a long cultural tradition and that it was the most European country in Latin America. Since 1918, libraries had been set up even in the smallest towns, and the Ministry of Culture organized mobile libraries. In addition, a National Arts Fund subsidized artistic activities, for example by granting funds for the purchase of musical instruments or for the publication of works and by purchasing local handicrafts production. Certain non-governmental organizations and private companies (such as Pepsi-Cola and the Bank of Buenos Aires) organized regular artistic competitions.

41. In reply to questions IV (b) and (c), on scientific progress, she said that international assistance had been of great use, by making it possible, for example, to build up a genetic data bank to identify the children of disappeared persons. Similarly, WHO had assisted the Government with research into AIDS in prisons and in organizing a recent seminar on the spread of AIDS. Finally, since 1950 UNICEF had provided Argentina with essential assistance in the sphere of vaccination.

42. As far as protection of the literary, scientific or artistic output of persons belonging to indigenous groups was concerned (question IV (d)), she referred to her previous remarks on the activities of the National Anthropology and Folklore Department and the National Arts Fund, which, in conjunction with the provincial departments of culture and anthropology, were devoted to protecting indigenous cultures, particularly by marketing handicrafts production.

43. The brain drain (question IV (e)) had increased considerably under the military dictatorship. Since the restoration of democracy, many talented individuals had returned to Argentina, although the country was not always in a position to provide them with premises and equipment comparable to that available to them in their country of refuge. As a result, some of them had decided to return for only a few months each year to Argentina, for example to teach. In time, the Government's efforts, in conjunction with international assistance, should allow the country to normalize the situation in that sphere.

44. Finally, in response to question IV (g), she observed that measures had indeed been taken to protect literacy centres from further budget cut-backs, and an agreement had been reached on that matter with OAS.

Mr. Neneman took the Chair.

45. Mr. KUTUKDJIAN (UNESCO), supplementing the information given in document E/1990/8, said that UNESCO had co-operated with Argentina in the field of human rights teaching at the university and vocational training levels by organizing three seminars: the first in 1986, with the co-operation of the Office of the Deputy Secretary for Human Rights in the Ministry of Foreign Affairs; the second in 1988, with the University of Córdoba; and the third in 1989, with the University of Buenos Aires.

46. Furthermore, UNESCO had launched and successfully completed a pilot project with the Argentine authorities, designed to provide an initiation into international understanding, co-operation and peace as well as into human rights and fundamental freedoms, in secondary education.

47. A further pilot project had been implemented on the human rights of the most disadvantaged groups, in co-operation with the Argentine authorities.

48. Finally, he recalled that in 1988 UNESCO had made an award to an Argentine citizen, Mr. Alfredo Bravo, for his outstanding work for the defence of the trade union rights of teachers.

49. Mr. ALVAREZ VITA congratulated the Argentine delegation on its interesting presentation and its cogent replies to the Working Group's written questions.

50. He was particularly gratified that Mrs. Regazzoli had highlighted the position of close dependence on external factors that affected many developing countries. For example, the impossibility for countries such as Argentina to offer their exiled researchers positions in keeping with their level of skill represented a de facto violation of the right to return. Consequently, when examining the question of respect for human rights, it was necessary to take into account the concept of shared responsibility. In that connection he said that as a citizen of a developing country, who was none the less highly familiar with the developed world, in which he had lived for many years, he perhaps possessed a somewhat different outlook from those members of the Committee who were really familiar only with developed countries.

51. With regard to the external debt, which the representative of Argentina had described as a modern form of domination that formed part of a large-scale violation of human rights, he observed that, while there was no denying that human rights violations were also attributable to domestic causes, he wondered whether international solidarity, which the Covenant had instituted as a peremptory legal norm, had been expressed in concrete fashion or whether it was merely a rhetorical expression.

52. He recalled that at a session of the Commission on Human Rights, the representative of the European Economic Community had stated that the EEC would provide all possible support for the economic recovery of the countries of Latin America once they had restored democracy. He wondered what had become of that commitment now that the situation had changed in several of those countries. In that connection, he also asked the representative of Argentina to provide statistics on the deterioration in the enjoyment of economic, social and cultural rights as a result of the deep crisis currently affecting Argentina. The average salary of a university teacher or an ambassador or the salary of the President of the Republic were hard to believe and could not fail to prick the conscience of experts from the developed countries.

53. He asked what alphabet was used to teach Indian languages, and what the situation was with regard to Quechua.

54. Since international treaties formed part of domestic law, the question arose as to what legal remedies were available to allow individuals to assert their economic, social and cultural rights.

55. Finally, recalling that the representative of Argentina had said that allegations of racial or religious discrimination were merely unfounded rumours, he asked whether any cases of racial discrimination had ever been brought before the Argentine courts. He inquired whether there had been a prosecution on that account and, if so, what its results had been.

56. Mr. SIMMA said he did not feel that Mr. Alvarez Vita had made a constructive contribution to the work of the Committee by saying that experts from industrialized Western countries were unaware of the problems faced by third-world countries such as Argentina. There was no basis for such an assertion, and he considered that it was in bad taste for Mr. Alvarez Vita to direct his criticism at members of the Committee from Western countries.

57. The CHAIRMAN, replying to a point of order raised by Mr. ALVAREZ VITA, suggested that the exchange of opinions should be postponed to a later date.

58. Mr. ALVAREZ VITA said he nevertheless wished to protest at Mr. Simma's remarks that his observations were untimely, and that they constituted an infringement of freedom of expression. He had not named Mr. Simma personally and had made no allusion to him: he had merely raised issues which were of public concern, by describing a context which was well known to Mr. Simma, with his academic background and experience in the Committee. The terms employed by Mr. Simma were unworthy of him, and his observation was in extremely bad taste. Whatever the case, he (Mr. Alvarez Vita) agreed that the moment was ill-timed to debate that issue.

59. Mr. SIMMA congratulated the representative of Argentina on her frank presentation. Having visited Argentina, a country in which he had many friends, he was apprehensive about the evolution of the country's political and economic situation.

60. With regard to human rights teaching for members of the armed forces and the police, he said that he had read the book Nunca Más and wondered what use such teaching could be in view of the fact that the so-called "Clean Slate" Act had amnestied most of those responsible for the atrocities committed between 1975 and 1981.

61. With regard to universities, he requested details of the procedure used to evaluate university teachers. In particular, he asked which institutions were involved in the process, on the basis of what criteria teachers were evaluated, and what happened to teachers who did not prove satisfactory.

62. He noted that in Argentina, as in other countries, a teacher could barely live on his salary alone, and presumed that university teachers were in practice compelled to hold a second job, perhaps to the detriment of their teaching work.

63. He also drew attention to what he considered to be a fundamental problem in secondary and higher education in Argentina, namely the lack of co-ordination between the training provided and the requirements of the labour

market. For example, most graduates of the State University in Buenos Aires experienced difficulty in finding employment: he suggested that consideration might be given to gearing university teaching more closely to the jobs available.

64. He had also heard that the Argentine authorities had shown an interest in recent years in the introduction into Argentina, on an experimental basis, of the community colleges system from the United States. He asked whether the new Government intended to continue that experiment.

65. In connection with culture, he referred to a decision by the Argentine Supreme Court according to which the main role of the press was to ensure the free circulation of information and not to dispense culture. He asked what the view of the Argentine delegation was with regard to that decision.

66. Mr. TEXIER said that he was gratified by the valuable and frank presentation made by the representative of Argentina. He then proceeded to make a number of observations on the problems posed by the transition to democracy, and more particularly by the issue of immunity from prosecution. He too had read Nunca Más and felt that Argentina had set an outstanding example as a State, by taking the initiative to appraise its recent past before world opinion and to provide a historic record of it. It was true that not all the culprits had been brought to trial. Several non-governmental organizations inside Argentina or abroad had indeed deplored those shortcomings, and some victims felt that the "Punto Final" Act and the amnesty measures had been unjust to them. However, the international community and human rights experts had to bear in mind that the transition to democracy was hazardous and the balance remained precarious.

67. He asked what percentage of the population was illiterate, and whether Argentina experienced the phenomenon of "functional illiteracy", a characteristic of persons in the West who were virtually illiterate when they reached adulthood, in spite of having received primary or even secondary education.

68. In connection with the table in paragraph 118 of the report, he expressed surprise that the percentage of girls in primary education was lower than that of boys, and wondered whether that was because families were more concerned with educating boys than girls.

69. In connection with the rights set out in article 15 of the Covenant, he asked how protection for literary and artistic property and scientific discoveries and work was organized in Argentina, whether patents were taken out with a public agency, and whether it was possible to take legal proceedings against infringers of patents.

70. The remarks made on article 15 (1) of the Covenant in paragraphs 272 and 273 of the report were not very clear. The Argentine delegation should provide some clarifications, and in particular explain whether, in the view of the Argentine authorities, the State ought to intervene to allow more people to participate in cultural life, to benefit from scientific progress and to protect scientific, literary and artistic works. In his view the rights set out in article 15 (1) entailed a number of commitments for States.

71. Mr. SPARSIS first of all raised the question of the brain drain and expressed his gratification that Argentine intellectuals and researchers, or at least some of them, had returned to Argentina for good. He asked, however, how many of the students currently studying abroad chose to remain there once they had completed their studies rather than returning home, on account of the lack of interesting job opportunities.

72. In many developing countries the clear gap between labour supply and demand prevented many secondary and higher education graduates from finding employment in keeping with their qualifications, or from obtaining the necessary financial support to practise in their country. He asked whether the phenomenon of graduate unemployment also affected Argentina and, if so, how extensive it was and what measures were being adopted to deal with it.

73. He also requested information on the importance of technical education within the overall educational system. In developing countries it was frequently the least bright pupils who were oriented towards that type of teaching, which was perceived as a "poor relation". He asked whether the same was true in Argentina.

74. It would also be interesting to know whether education was an important element in the economic and social development plan, or whether it was more or less neglected.

75. While there was no denying that foreign exploitation, expressed in a crushing external debt, undermined respect for human rights in many countries, the same was true of internal exploitation. Accordingly, the Argentine delegation should provide details of the distribution of national wealth and of national income. He asked whether they were fairly distributed or whether a small sector of the population received the lion's share.

76. He asked what concrete measures were being adopted to put an end to a situation in which 12 million Argentines lived below the poverty line.

77. Finally, he asked what percentage of its GNP Argentina spent on education and culture in order to safeguard the exercise of the rights proclaimed in the Covenant, to which it was a party.

78. Mr. MUTERAHEJURU asked for further details on minorities, and in particular the size of each minority. He inquired how many of the 6,468,175 completely or functionally illiterate persons in Argentina belonged to minorities and what was the percentage of children attending school among those populations.

79. He also wished to know whether the authorities were concerned with promoting the culture of the different minority groups in order to achieve a cultural symbiosis.

80. The monthly wage of a teacher was $US 100. If that figure, which no doubt reflected the average level of wages in Argentina, was compared with per capita GNP, which had been $US 2,390 in 1988, it could be seen that there was an extremely wide gap which required an explanation.

81. Mrs. JIMENEZ BUTRAGUEÑO asked whether any specific measures had been adopted or were planned to assist graduates who had difficulty finding employment on completion of their studies and, more generally, to create closer links between universities and the world of work.

82. She further inquired whether technical education was not a "poor relation" within the educational system and whether any specific measures had been adopted to improve it.

83. She asked whether, in view of the many reforms undertaken or planned in the educational sphere, the Argentine Government intended to adopt a new Education Act, as the current Act dated from 1884.

84. It was commendable that human rights should be taught in primary schools: respect for human rights should be developed from early childhood, and all countries in the world would be well-advised to follow Argentina's example.

85. She asked the Argentine delegation to specify whether secondary and higher education were free, and requested details of the percentage of girls and women in primary, secondary and higher education, and the percentage of women teachers.

86. Finally, she requested information on the distressing problem of the sale of and traffic in children.

87. Mr. WIMER ZAMBRANO said that, as was undoubtedly the case of all the other members of the Committee, he was following the restoration of democracy under way in Argentina with deep sympathy.

88. Some countries in which ethnic minorities lived were beginning to adopt legal provisions authorizing the use of indigenous languages before the courts. That innovation was a considerable improvement, as even if indigenous people theoretically enjoyed the same rights under the law, they suffered from a de facto disadvantage in comparison with other citizens whenever they were involved in law suits, on account of the problems they experienced in using the national language. As they were unable to defend their rights properly, they were often the victims of abuses, most frequently involving dispossession of their lands.

89. Recognition of indigenous languages, which reflected a concern to respect the traditions and the cultural identity of the different indigenous populations, nevertheless ran counter to another objective of equal importance in the countries of Latin America, the desire to achieve assimilation and national homogeneity, which meant that it was by no means an easy matter. It would be interesting to know what the trend was in Argentina in that respect.

90. In addition, he requested information on the size of the national education budget and its share within the State budget. He also inquired whether, as had been the case under the military dictatorship, part of army training expenditure was charged to the national education budget, or whether that practice had been abolished.

91. Finally, he inquired whether the State supplied teaching materials free of charge in particular regions or localities.

92. Mr. FOFANA, noting that there were 12 million underprivileged in a country whose GNP was far from low, asked whether any plan of action existed to remedy that situation.

93. If, as he gathered, Catholicism was the State religion in Argentina, the question arose as to how that situation could be reconciled with the right of parents to ensure the religious and moral education of their children in conformity with their own convictions.

The meeting rose at 12.55 p.m.

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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Fourth session

SUMMARY RECORD OF THE 19th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 26 January 1990, at 3 p.m.

Chairman: Mr. BADAWI EL SHEIKH

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Formulation of suggestions and recommendations of a general nature based on the consideration of reports submitted by States parties to the Covenant and by the specialized agencies (Council resolution 1985/17)

Consideration of reports:

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (continued)

Argentina (continued)

India (continued)

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GE.90-15335/1568a

The meeting was called to order at 3.20 p.m.

FORMULATION OF SUGGESTIONS AND RECOMMENDATIONS OF A GENERAL NATURE BASED ON THE CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES TO THE COVENANT AND BY THE SPECIALIZED AGENCIES (COUNCIL RESOLUTION 1985/17) (agenda item 7)

1. The CHAIRMAN invited Mr. Texier to introduce his draft general comments on articles 22 and 23.

2. Mr. TEXIER said that Mr. Alston was currently engaged in drafting supplementary comments on the same articles. Those comments were not yet complete, and it was hoped to submit both sets of comments, jointly or in amalgamated form, the following Monday.

3. Mr. ALSTON said that the draft general comments on articles 22 and 23 prepared by Mr. Texier the previous year were a good starting-point for discussion, but that they were not comprehensive. He himself had attempted to draft additional proposals, which would be available in English the following Monday, and in other languages by the following Wednesday. If that text was readily acceptable, it could be adopted before the end of the session. If any significant difficulties arose, it would perhaps be better to defer its adoption until the next session.

4. The CHAIRMAN said that, if there was no objection, he would take it that the discussion of the draft general comments on articles 22 and 23 was postponed until the following Monday.

5. It was so decided.

CONSIDERATION OF REPORTS (agenda item 6)

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Argentina (E/1988/5/Add.4) (continued)

6. The CHAIRMAN invited the Argentine delegation to respond to the comments and additional questions raised at the 18th meeting.

7. Ms. REGAZZOLI (Argentina), in response to the question put by Mr. Alvarez Vita regarding international assistance and co-operation on the part of the developed countries as provided for in the Covenant, said that the support of the Western democracies for the Argentine democratic process was undeniable. However, with specific regard to the areas in which the Committee was competent, the bulk of the economic aid received came from international organizations, and did not flow from compliance with the provisions of the Covenant. Argentina, like other developing countries that had ratified the Covenant, did not receive international solidarity from the most developed nations in accordance with the provisions of article 2 (1) of the Covenant, and further efforts were required in order to rectify that situation.

8. Regarding statistics on the deterioration of the situation regarding economic, social and cultural rights, she said that the crisis confronting Argentina had led to an intolerable nation-wide deterioration in health,

education and housing. She drew attention to a supplementary report to the Committee, page 51 of which detailed projects for the compilation of statistics on education.

9. Mr. STRASSERA (Argentina) said that, on ratification, the Covenant had become part of domestic law, and might be invoked directly before the courts. However, a distinction needed to be drawn between operational clauses, such as those referring to the right to education, and non-operational clauses, such as those concerning the right to decent housing. In the former case, it was feasible to enforce that right; in the latter case, practical difficulties arose.

10. Ms. REGAZZOLI (Argentina), replying to the question regarding cases of religious discrimination, said that no cases of religious discrimination had been brought before the courts.

11. Mr. Alvarez Vita's fifth question referred to indigenous cultures. The obvious problems encountered in maintaining the indigenous cultures were associated with the economic crisis. Nevertheless, Government measures in that field included the activities of the National Directorate of Anthropology and Folklore, referred to on page 63 of the supplementary report; the national Market for Traditional Crafts (MATRA); and new research relating to the development of production, food, health and the recovery of traditional technologies. In that regard, she said that Argentina was one of the Latin American countries involved in a project to reintroduce approximately 2,000 varieties of edible plant known to the pre-Columbian civilizations, which had been lost during the colonial period. Another constant concern of the Government was the maintenance of the indigenous cultures of the various individual tribes.

12. Turning to the questions put by Mr. Simma, she said that teaching of human rights in the military academies, as elsewhere in Argentina, was intended to ensure that knowledge of the international human rights instruments and insistence on their application would guarantee that human rights were never again violated as they had been in the past. It was for that reason that the teaching of human rights had been made compulsory.

13. With regard to the universities, she said that State, provincial and private universities existed in Argentina. Their system of government was an autonomous one, in which teachers, non-teaching staff and students were all represented. Teaching posts were renewed every four years, on the basis of competitive examinations. Each university appointed a board which included teachers from other Argentine or foreign universities, thereby ensuring objectivity in the competitions, which were based purely on criteria of academic competence. It was very rare for a university teacher to lose his job.

14. The average salary of a full-time university teacher was 284,765.80 australes per month, excluding adjustments for seniority and family allowances; the dollar equivalent was about $180. Those figures had of course to be seen against the background of the extremely low cost of living in Argentina.

15. Mr. Simma had asked whether there was any harmonization between university teaching and the requirements of the labour market. Generally speaking, there was no harmony between the demand for labour and the teaching dispensed by the universities, partly on account of the economic crisis, and partly because of the concentration of the population in the capital. Visitors to Buenos Aires would have noted that taxis were habitually driven by dentists, engineers, veterinarians and doctors. Professional people did not wish to work in the provinces, despite the considerable financial incentives offered. The Government was attempting to restructure the faculties, university curricula and also careers. For example, the national university in Tandín had introduced a course devoted exclusively to the food industry.

16. In reply to the question regarding the 180,000 students at the University of Buenos Aires, she said that the Government had no plans to limit student entry. Instead, it was trying to reorient the faculties so as to take better account of the needs of the workplace.

17. Mr. PATIÑO MAYER (Argentina), in reply to the question regarding the daily newspaper La Prensa and the Austral Plan, said that, when the Plan had been introduced, price control mechanisms had been set up which affected all productive sectors. At the same time, wage controls had been introduced, in order to combat inflation running at a rate of 35 per cent a month. However, there had been no intention on the part of the Government to undermine freedom of expression, freedom of the press, or cultural rights, which were enjoyed by all the media in Argentina. The matter had come before the courts, which had authorized La Prensa to adjust its prices in the light of its commercial needs. It was now the most expensive national daily. The decision had been an economic one, and could not be construed as an attempt to undermine cultural rights.

18. Ms. REGAZZOLI (Argentina), on the question of community universities, said that Argentina would warmly welcome the United States' offer of assistance in setting up such universities on condition that the United States was prepared to bear the costs of construction and maintenance. The economic crisis meant that Argentina had only limited scope for action in that regard.

19. Mr. Texier had asked about literacy programmes and the situation of the National Literacy Plan. Despite implementation of the Plan, functional illiterates still existed in Argentina. For that reason, the Government had introduced a programme of continuing education, using resources such as radio and television, with a view to eradicating functional illiteracy.

20. Paragraph 118 of the Argentine report (E/1988/5/Add.4) showed that there were fewer girls than boys enrolled in primary schools. That situation was attributable to the crisis: girls were better suited to child minding than boys. Argentina was trying to comply both with the Covenant and with the provisions of its own Constitution, which stipulated that primary education was compulsory; but the fact was that people also needed to eat. The Government was trying to break that vicious circle.

21. Mr. STRASSERA (Argentina), replying to the question on literary, artistic and scientific rights, said that literary and artistic property had been protected by law since the nineteenth century. Patents, inventions and trade marks were also protected. National registers existed of intellectual property, patents and trade marks.

22. Paragraphs 272 and 273 of the Argentine report must not be taken to imply that the State had no role to play in access to science and technology. On the contrary, it was an obligation of the State, as was demonstrated by the existence of such bodies as the Secretariat for Science and Technology. The confusion might stem from the criticism, contained in paragraph 272, of the model for ordering items.

23. Ms. REGAZZOLI (Argentina) replying to Mr. Sparsis, said that the exact percentage of students who returned to the country after studying abroad was not currently available but would be provided at a later date. However, she could say that the majority of Argentines who studied abroad did return. Several had held ministerial posts in the previous Government or were ministers under the present Government. It was true that at the highest levels of technological research, some did not return for the simple reason that the country could not provide them with the level of research they found in the developed countries. Concerning unemployment and the educated, the situation was rather one where educated people were peforming tasks different from those for which they had been educated, i.e. professionals were driving taxis. There was indeed an imbalance between labour and demand, which the Government was trying to reorient with careers in keeping with demand during the current crisis period.

24. Regarding international financial assistance to keep professionals in the country, she said the little assistance received had to be used for reimbursement of the external debt. It would certainly be appreciated if more assistance could be made available to encourage professionals, in whom the State had made such a great investment, to remain in the country. In reply to another question, she said that for the Peronists education was an integral part of the country's development, in fact one of its three bases, the other two being health and housing. The percentage of the gross domestic product assigned to education was 20-25 per cent of the provincial budgets and 14 per cent of the national budget.

25. Regarding distribution of the national income, during the Peronist Governments the figure had traditionally been 55 per cent for the workers. Under the military Government, a consequence of the economic crisis, unscrupulous financial activities had begun to develop, leading to the enrichment of a small number to the detriment of the rest. However, the Government had introduced serious legal measures in an attempt to restore the traditional situation.

26. Concerning extreme poverty the 12 million figure had unfortunately been increasing as a consequence of the unscrupulous activities she had mentioned. Under the Alfonsín Government the "Plan Alimentario Nacional" (PAN - National Food Plan) had been implemented, with food distributions to the neediest every two weeks. When the current Government had taken power in July 1989 at a time of genuinely alarming inflation, a complement to the PAN called the "solidarity voucher" had immediately been introduced. Every needy family received a voucher for the purchase of food, in return for which the unemployed had to perform volunteer community work. A new voucher had also been established, called the "yankai" ("lend a hand" in Quechua), an example of which would be providing funds for one worker to make bricks and another worker to use those bricks to build a house. That was the meaning of solidarity with social justice, which the Government was promoting, even in so

serious a crisis, to bring out the transcendant value and dignity of the human being. The vouchers did not represent charity, but acts of solidarity to involve people in the community in which they lived.

27. Regarding technical education institutions, she said they were not at all considered to be second-rate. Her own three sons had graduated from industrial schools. Such schools provided a six-year programme of study, and graduates who wished to study engineering went directly on to university. If they decided to study law or medicine, however, they would obviously be required to take the examinations for entrance to those faculties.

28. Mr. Muterahejuru had asked about the statistics regarding minorities in Argentina. The indigenous populations constituted a minority, and the authorities at both national and regional levels had a responsibility for ensuring the survival of their languages, culture and traditions. At the same time, they must also ensure that the children of the indigenous populations were fully conversant with the Spanish language. In terms of numbers, the indigenous populations were estimated at approximately 102,500.

29. On the question of per capita GNP, she said that in 1988 the figure had been $2,390. Although incomes had been adversely affected by the structural crisis and inflation which had been undermining the economy since 1976, per capita GNP was not an absolutely reliable indicator of the prosperity of the population. A study to determine real incomes had been requested by the Government with a view to ascertaining the population's basic needs. On the specific question of teachers' salaries, she said that a teacher earned a minimum salary of $67 per month, not including fringe benefits. She stated that, when President Menem had taken office in 1989, the minimum wage had been $27.

30. Mrs. Jiménez Butragueño had inquired about efforts to prepare graduates for employment: in fact, curricula and teaching programmes were being constantly revised in order to ensure that the educational system was tailored to the needs of industry and the requirements of the labour market. The education law at national level was of by no means recent origin, but proposals for a new law were currently under discussion in the Chamber of Deputies. Primary, secondary and university education were all free of charge in Argentina, and primary education was compulsory. In some States secondary education was also compulsory. Although exercise books were not generally supplied without charge, assistance was given to families in the form of subsidies on the price of milk and in the provision of school meals in order to make up for any lack of proper nutrition in the home. Assistance was also sometimes available in respect of school uniforms and textbooks.

31. With regard to the school drop-out rate, she said that the Government was making intensive efforts to ensure that children were not forced to leave school in order to supplement the family income. It was hoped that those efforts would lead to a decline in the drop-out rate.

32. In reply to Mrs. Jiménez Butragueño's question regarding drugs, she said that new and strict systems for the monitoring of narcotics were being implemented by the Government. Mrs. Jiménez Butragueño had also asked about traffic in children: thanks to increasingly rigorous checks at the country's frontiers, and to the availability of genetic data establishing the identity of a child's parents, it was hoped that such traffic could be brought to an end.

33. Mrs. Jiménez Butragueño's final question related to the participation of women in technical schools and education. The percentage of female students in technical schools was undoubtedly rising, and women now made up between 21 and 25 per cent of the total number of students in such institutions. The large numbers of women in the teaching profession was, unfortunately, partly to be explained by the fact that the profession was on the whole badly paid.

34. Mr. PATIÑO MAYER (Argentina), replying to Mr. Wimer Zambrano's question concerning judicial proceedings in indigenous languages, said that in Argentina all court cases were heard in Spanish. However, should any of the parties not understand Spanish, provision was made for interpretation services. If exceptions were to be made, special courts would have to be set up, a procedure which would be at variance with the Constitution. Citizens belonging to the indigenous population in Argentina had the same rights and obligations as all other Argentine citizens.

35. Ms. REGAZZOLI (Argentina), replying to the question raised by Mr. Wimer Zambrano with regard to the funding of military academies, said that all such establishments came under both the defence and education budgets. However their maintenance came within the scope of the defence budget.

36. With regard to State assistance to parents for the education of their children, she said that the State had established an education grant (asignación por escolaridad) for the parents of children in primary or secondary school. Other educational allowances were provided by the State, and were increased in the case of families with more than three children. In addition, companies made certain benefits available to their employees in respect of learning materials and school uniforms for their children.

37. Mr. PATIÑO MAYER (Argentina), in reply to the question raised by Mr. Fofana concerning freedom of worship in Argentina, said that, although more than 90 per cent of the population were Roman Catholics, the Constitution allowed citizens to worship as they pleased, provided that the denomination was duly registered with the State. With regard to education, he said that countless private schools, both lay and religious, catered for all registered denominations: those schools received State subsidies and assistance, provided that they complied with Government regulations. Parents could choose between religious and secular education for their children.

38. The CHAIRMAN thanked the representatives of Argentina for their frank and illuminating replies, which would prove valuable when the Committee reached the stage of making its concluding observations.

39. Ms. Regazzoli, Mr. Patiño Mayer and Mr. Strassera (Argentina) withdrew.

India (E/1988/5/Add.5) (continued)

40. The CHAIRMAN invited the Committee to proceed to consider its concluding observations on the report submitted by India (E/1985/5/Add.5).

41. Ms. TAYA read out her concluding observations on the report of India. Although the Committee should express its appreciation to the delegation of India for its sincere attitude and for supplying the Committee with additional information, several observations should be made. First, for a country such

as India, whose large population and territory, great regional diversity and social disparities aggravated its difficulties in protecting the right to education, descriptions of the contents of the Constitution and the 1986 National Policy on Education, which took up most of the report, were not sufficient to provide the Committee with an idea of the actual situation regarding education in India. Flow-charts accompanying the explanation of the division of competence among national, State and local governments would make the entire system easier to understand. Second, it was not clear what the policy was in the field of education for changing discriminatory attitudes towards the scheduled castes, scheduled tribes and other lower castes. The Committee would also appreciate learning about the educational policy for better understanding of other religions. Third, more information would be appreciated on the Government's policy with regard to equal opportunity of education for social classes lower than the scheduled castes and scheduled tribes. Concerning the difficulties faced by India in enforcing compulsory education, more information would be appreciated on the social difficulties involved and the measures taken to combat them. Fourth, with regard to the right to culture, more attention should be taken to preserve the cultural traditions of minorities and access to cultural life by ordinary people.

42. The CHAIRMAN, speaking as a member of the Committee, noted that some of the points to which Ms. Taya had referred were covered in the additional information provided by the Government of India.

43. Mrs. JIMÉNEZ BUTRAGUEÑO proposed that a request should be made for information on the status of women in India. There being fewer women in the country than men, quite an unusual situation, she wondered whether there was any discrimination against women in health care.

44. The CHAIRMAN said that Mrs. Jiménez's Butragueño's concerns were also dealt with to some extent in the additional information, which was unfortunately available only in English. However, there was nothing to prevent the Committee from requesting supplementary information on those points, and that request would be reflected in the report.

45. The Committee had thereby concluded its discussion of the reports of India.

The meeting rose at 4.55 p.m.

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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Fourth session

SUMMARY RECORD OF THE 20th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 29 January 1990, at 10 a.m.

Chairman: Mr. ALVAREZ VITA

later: Mr. SPARSIS

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(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (continued)

Initial reports concerning articles 13 to 15 of the Covenant

Argentina

Formulation of suggestions and recommendations of a general nature based on the consideration of reports submitted by States parties to the Covenant and by the specialized agencies (Council resolution 1985/17) (continued)

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The meeting was called to order at 10.25 a.m.

CONSIDERATION OF REPORTS (agenda item 6)

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT

Initial reports concerning articles 13 to 15 of the Covenant

Argentina (E/1988/5/Add.4) (continued)

1. The CHAIRMAN invited Mrs. Jiménez Butragueño to present the Committee's concluding observations on the initial report by Argentina and on the replies given by the Argentine delegation.

2. Mrs. JIMENEZ BUTRAGUEÑO said that the excellence of the documents submitted to the Committee (report and supplementary information document) and the frankness with which the majority of the questions had been answered had made it possible to have a very constructive dialogue with Argentina. The Committee had particularly appreciated the composition of the delegation sent by the Government of Argentina, which was evidence of the importance it attributed to the Committee's work.

3. The oral statement had made it possible to gauge the scale of the problems faced by the Argentine Government which had taken office in July 1989 in fulfilling its commitments in the fields of education and culture under the Covenant. Like all developing countries, Argentina was experiencing economic difficulties, the main one being the pressure of the external debt, but it was also going through an acute structural and moral crisis. The financial speculation and fall-off in production which had marked the military dictatorship, with their inevitable consequences of inflation and unemployment, meant that, today, more than 12 million Argentines, or 36 per cent of the population, were living below the poverty line.

4. Strictly speaking, the report (E/1988/5/Add.4) and the supplementary information document - which, since it had been submitted in the required form and by the appointed time, could be considered a working paper - showed that, despite the economic difficulties and a political and social situation that was still shaky, the two successive democratic Governments in office since the overthrow of the dictatorship had endeavoured to protect the rights to education and culture as set forth in the Covenant and the Argentine Constitution. Education was compulsory and free of charge at the primary level throughout the country, and at the secondary level in some provinces. The literacy programme introduced by the Argentine Government had earned it a UNESCO prize in 1988. Human rights formed part of the curriculum of all educational establishments, including military and police academies.

5. The questions drafted by the pre-sessional Working Group or asked directly by the experts had referred in particular to the situation of those living below the poverty line and to the measures taken by the authorities to deal with that serious problem affecting more than a third of the population; to the reasons for which, according to UNESCO statistics, one third of the children enrolled in primary school dropped out; to the woman's place in the educational system; to the situation of children; and more particularly the sale of and traffic in children; to the brain drain; and to the real situation regarding the indigenous populations.

6. The reply of the Argentine delegation to the question on international solidarity under the Covenant and, more particularly, on the co-operation and assistance that developed countries had provided to his country, gave food for thought. While acknowledging that Western democracies had supported the current democratization process, the Government of Argentina had also affirmed that, like other developing countries parties to the Covenant, Argentina had not received from the more developed countries all the assistance and co-operation provided for in article 2 (1) of the Covenant and had drawn the Committee's attention to the need to redouble efforts so as to remedy that state of affairs. The question was how the Committee, which should serve as a link between States, could convey that message to those concerned; it could not fail to take up that appeal, which would certainly not be the only one of its kind.

7. The Argentine delegation had given satisfactory and extremely frank replies to most of the questions, and had even taken up certain matters that the Committee had not raised, such as the traffic in human organs of which children appeared to be the principal victims.

8. On the other hand, that delegation's response to questions on the integration of the indigenous population, and in particular to the question of whether, in practice, indigenous persons benefited from the same rights as other Argentines, left much to be desired. Perhaps the Government of Argentina could be asked to supply additional information on that point, including statistics.

9. The CHAIRMAN thanked Mrs. Jiménez Butragueño for her able summing up. He agreed that the Argentine delegation's reply to the question on international solidarity gave food for thought, and that it should be reflected in the report.

10. Mr. SPARSIS said that, while there was indeed reason to be satisfied with the report, and particularly with the oral introduction which had been made, there still remained a number of gaps and shortcomings which had been passed over in silence. According to the delegation of Argentina, there were neither vulnerable nor underprivileged groups in the country. To the question which he himself had asked regarding unemployment among graduates, for example, the delegation had replied that the phenomenon was unknown, but that it was possible that there were individuals doing work which did not correspond to their training and that university graduates were, for example, working as taxi drivers. To employ university or even secondary-school graduat for manual work or for tasks for which they were ill-prepared constituted, in his view, an enormous waste of money, time and, of course, human resources. It would be preferable to organize re-training or further training courses so as to enable them to find employment in which they could apply their knowledge. He would welcome clarification from the Government of Argentina on that particular point.

11. He was also dissatisfied with the reply to the question on the 12 million Argentines who lived below the poverty line. The food aid to which reference had been made did not resolve the problem. Rather than solidarity measures, what was needed was programmes of State assistance or, better still, employment which would enable them to free themselves from poverty by exercising their right to work.

12. To the question on the distribution of national income and wealth, the Argentine delegation had simply replied that half of the national income went on salaries and wages, the other half representing dividends and profits. That reply was too general. In order to determine whether national income was distributed equitably between the different social classes, the Committee needed, in particular, to know the employment and unemployment statistics, the rate of economic growth, the per capita income and the rate of inflation.

13. Being aware that it was difficult for a delegation, no matter how well prepared, to provide on the spur of the moment all the information requested of it, he asked the Government of Argentina to give more detailed replies to the questions asked.

14. Mr. MUTERAHEJURU endorsed the request made by Mr. Sparsis, and said he would also like to obtain additional information on indigenous populations, since the Argentine delegation had not replied satisfactorily to his question on that subject. In particular, he would like to be informed how many indigenous inhabitants there were (according to the representative of one non-governmental organization working with Indians in Latin America, the figure given by the Argentine delegation was not correct) and to know the extent to which indigenous persons participated in the life of the country.

15. Mr. WIMER ZAMBRANO congratulated Mrs. Jiménez Butragueño on her excellent work, but felt it necessary to modify somewhat what she had said regarding Argentina's economic problems. It was very difficult to establish a direct link between economic phenomena and the political changes which had taken place in Argentina. It could not be said, for example, that inflation was the direct result of the transition from a dictatorship to a democracy. The fact was that inflation was endemic in that country and had existed under all systems. It was necessary to bear that in mind in attempting to understand the situation in Argentina, whose economy, until the beginning of the Second World War, had been an example for all of Latin America, but whose subsequent development had been hampered by an extremely complex political structure. For a time, it had been thought that the solution was to revalue the national currency against the United States dollar. That had been a failure. It was to be hoped that Argentina would find a more effective road to economic stability and development.

16. He agreed with Mr. Sparsis that the Argentine delegation had not responded clearly and precisely to all the questions, but he did not think that States parties could be expected to give immediate and comprehensive replies to the numerous questions put to them, and it would be helpful if experts could be more meticulous in formulating their questions.

17. On the other hand, he was not entirely in agreement with Mr. Sparsis' general approach. When he stated that the Argentine authorities should take more constructive steps on behalf of the underprivileged, particularly in regard to job creation, Mr. Sparsis was certainly right. However, the problem should not be tackled from the wrong angle. If there were so many underprivileged in Argentina and if, from a more general point of view, the developing countries were in the process of development, it was precisely because of the bad distribution of employment and income.

18. That was, however, a problem beyond the competence of the Committee. It was not the mandate of the Committee to evaluate the level of development of the States parties to the Covenant: its sole task was to try to find out what concrete steps were being taken by Governments to guarantee the exercise of the rights under that instrument. That was a very important point, particularly for the third world countries. In evaluating the human rights situation in countries such as Switzerland, the United States or the Federal Republic of Germany, which had considerable resources at their disposal, it was easy to say that a change of policy would improve the lot of the underprivileged. In the case of developing countries, however, the problems to be resolved to assist the neediest were of a structural nature and were the root cause of underdevelopment. The Committee could only request figures which would enable it to judge whether Governments were really striving to protect the rights under the Covenant and whether they were doing their utmost to ameliorate the condition of the underprivileged who, unfortunately, formed the majority in many third world countries.

19. Concerning indigenous populations and their size, it was often very difficult - at times even impossible, in those countries where there were many persons of mixed race - to say exactly who was indigenous and who was not. In Mexico, for example, the number of Indians varied considerably from one census to another, not as a result of errors, but due to changed attitudes: some of those questioned, who previously had not wished to be considered as indigenous, later recognized themselves as such.

20. The fact was that, since the sixteenth century, Latin America had become a patchwork of groups whose members, even if they had Spanish names, were all, to a greater or lesser degree, of indigenous origin. In those countries, populations who lived outside the mainstream of society in certain provinces were regarded as indigenous. In Argentina, they were few in number since they had been decimated by the conquistadores. As recently as the nineteenth century, it had been considered that indigenous persons had no culture in the Western sense of the term, and there had been no hesitation in killing them and taking their land. Shooting an Indian had even been considered as a feat of arms. However, contrary to what many Argentines believed, there were still indigenous minorities in their country and those minorities were oppressed. Individuals in those groups were not victims of direct discrimination by the administration, but in that white-dominated society, they were treated as second-class citizens.

21. The CHAIRMAN drew attention to the fact that the debate had been declared closed at the previous meeting, held on Friday, 26 January, as members of the Committee had had no further questions or comments on the Argentine report, and that the statements which were now being made were reopening the discussion, whereas they should have taken place when the Argentine delegation had been present to respond. He considered that to be a departure from the Committee's normal procedure. He recalled that, after the end of the meeting on 26 January, the representative of a non-governmental organization, in discussions with certain experts, had raised questions on indigenous populations, and that the experts had decided that, as the debate was closed, it would not be proper to return to those problems since the Argentine delegation would not be in a position to reply. He wished to have the opinion of the representative of the Secretary-General on that question of procedure.

22. Mr. ALSTON, speaking on a point of order, said that the role of the Chairman was to facilitate the work of the Committee and enable its members to express their views according to established procedure, which was the same for all countries. He therefore considered that it was unnecessary to launch into a procedural discussion, and had no wish to hear anyone's opinion on the subject. The statements just made were excellent, and showed only that the experts had carried out a thorough examination of the Argentine report.

23. The CHAIRMAN said that the current situation was unprecedented. It had never happened that a delegation had been denied the opportunity to reply to comments made by members of the Committee. The statements now being made did not enter into the realm of normal procedure, and it was for that reason that he had thought it would be useful to have the opinion of the representative of the Secretary-General.

24. Mr. WIMER ZAMBRANO said that, in speaking on the matter of indigenous populations, it had not been his intention to reopen the debate on the Argentine report, but simply to make a few remarks on the concluding observations presented by Mrs. Jiménez Butragueño.

25. Mr. FOFANA said that Mrs. Jiménez Butragueño had made a praiseworthy effort to express the views of all members of the Committee. There was, however, a matter which he wished to take up again, namely the State religion, about which he had put a question to the Argentine delegation. According to reliable sources, Catholicism had until recently still been the State religion in Argentina. Since the report from that country was silent on the subject, he would have wished Mrs. Jiménez Butragueño to ask for clarification. It was his view that the existence of a State religion was incompatible with the right of parents to give their children a religious education in accordance with their own beliefs. It was necessary, therefore, to know whether there had been any developments in that regard and, if so, the factors giving rise to those developments.

26. Mrs. JIMENEZ BUTRAGUEÑO regretted that her statement had not reflected the concerns of all the experts.

27. In response to a remark made by Mr. Wimer Zambrano, she said she had never claimed that the democratic system was responsible for inflation in Argentina: on the contrary, it was during the dictatorship that inflation had made its appearance.

28. Returning to what Mr. Sparsis had said regarding the fact that certain Argentines were reduced to doing work which bore no relationship to their qualifications, she said that that was not a phenomenon peculiar to Argentina and that, in her opinion, the Government of Argentina could not be held responsible for it. It was a question of under-employment, or, rather, the imbalance of supply and demand on the labour market, which also occurred in developed countries; she knew of cases of taxi drivers in Spain who were lawyers, sociologists or journalists. The existence of such a problem of under-employment affecting university graduates gave no cause to conclude that economic, social and cultural rights were not being respected in Argentina.

29. Mr. WIMER ZAMBRANO said that doubtless he had not been clear enough in speaking about inflation, and that he had never thought that Mrs. Jiménez Butragueño meant that democracy had been responsible for inflation. He had merely wished to make the point that, in Argentina, that phenomenon was not directly related to either dictatorship or democracy. It was in that sense that he had hoped that Mrs. Jiménez Butragueño would qualify her remarks.

30. Mr. SPARSIS, making some comments applicable to all the reports before the Committee, said that Cyprus, of which he was a national, was a developing country which had spent 800 years under colonial rule. He could not, therefore, be accused of defending colonialism. However, he regretted to note that a number of developing countries, including Cyprus, at times used under-development and colonialism as pretexts for their inability to ensure observance of human rights in the economic and social fields. In that regard he recalled that he had already made the point in several specialized agencies and United Nations bodies that every country, whatever its stage of development, should at least attempt to respect human rights and fundamental freedoms. For example, it was unacceptable for a country to use the excuse of under-development to justify prohibition of the right to strike, or an unequal distribution of national income. In general, it was incumbent on the Committee, at the time of the consideration of a country report, to attempt to determine whether the country concerned was at least trying to respect human rights and fundamental freedoms and whether it was progressing or regressing in that regard. In the case of Argentina, the Committee should, therefore, attempt to establish whether there was an equitable distribution of national income and wealth and whether the Goverment was endeavouring to respect fundamental human rights.

31. The CHAIRMAN said that the Committee had completed its consideration of the concluding observations on the Argentine report. In his view, the questions raised at the current meeting should be transmitted to the Government of Argentina for replies.

32. Speaking in his personal capacity, he repeated that those questions should have been asked in the presence of the Argentine delegation, so that it could reply either on the spot or later. Since that was not the case, he thought that Mr. Alston should indicate in his report that very few members had attended the meeting on 26 January , therefore, not all the questions had been put at the appointed time. In any case, it was important that the questions just raised should be reflected in the report.

33. Mr. ALSTON said he was not very clear as to what the Chairman expected of him. It seemed difficult to him to say in the report that certain experts had been absent at the meeting in question. It was normal, of course, that the Chairman should want the work of the Committee to proceed in a logical manner and regret that the States parties did not always have the opportunity to participate fully in that work. However, he drew attention to the fact that the representatives of States parties had the right to be present during the submission of the concluding observations on reports, and that they were even invited to do so. For example, the representative of Cyprus and other members of his delegation had taken advantage of that opportunity and had been present, as observers, at the meeting at which the concluding observations on that country's report had been put forward. In such a case, the representative of a State party who considered that a question required an

immediate answer could ask the Chairman to give him the floor. Perhaps it would be advisable to mention in the report that the Committee would like the representatives of States parties to be present for the concluding observations. On the other hand, the summary records of the meetings, which were transmitted to the States parties, summarized all the comments made in the course of the debate, to which Governments had the opportunity of replying if they so desired. All communications made in writing, before or after the session, should be considered to form part of the overall dialogue. States parties had the opportunity of participating fully and equally in that dialogue. The existing procedure did not therefore pose a problem, and it would be sufficient to inform States parties of the opportunities available to them. For that reason, he would submit to the Committee a draft chapter to be added to the report under the heading "Overview of the present working methods of the Committee", which would explain to all those who participated in the work of the Committee the procedure followed during the different stages. During the consideration of that text, members of the Committee would, of course, be able to propose other solutions affecting that procedure.

34. The CHAIRMAN said he found Mr. Alston's statement very positive.

35. Mrs. JIMENEZ BUTRAGUEÑO said that Mr. Alston had dispelled a number of doubts in her mind and that she looked forward to receiving the text that he was to propose to the Committee.

36. Concerning the concluding observations, she saw no reason not to refer to points which remained unclear, since that was the very aim of the Committee's general comments. In her opinion, the Committee had not departed from its usual procedure in the case of Argentina.

37. The CHAIRMAN said that the difference he had noted in the examination of the Argentine report arose from the fact that, when the Argentine delegation had finished replying to the questions put to it, the experts had had nothing further to add: it was only at the following meeting that some members of the Committee had asked questions which, in his view, should have been put forward on the day when the report had been considered in order to enable the Argentine delegation to reply.

38. Mrs. JIMENEZ BUTRAGUEÑO recalled that, in the case of the Philippines, she had made several additional comments after the excellent summary presented by Ms. Taya, without the slightest objection being raised. She saw no reason why it should be otherwise for Argentina.

39. Mr. NENEMAN said that the debate simply showed that there had not, perhaps, been a clear enough definition of what was understood by "concluding observations". The expert who evaluated the report of a State should not be considered as an assistant to the rapporteur, or as an expert with special responsibility for evaluating the report, but simply as the first speaker on the list, since his evaluation could only be subjective. In order that the reporting Government could have a more accurate idea of the Committee's views, it was necessary for several individuals to express their opinion. What had happened in the case of Argentina was that there had remained time for the Committee to make additional comments. The problem was, however, that there was too much time for some countries and not enough for others which would warrant more time, as was the case with Colombia, for example. Approximately

one hour should be devoted to concluding observations, and all experts who wished to make statements should have the opportunity of doing so, bearing in mind, however, that the purpose of those observations was the evaluation of the reports submitted.

40. Mr. ALSTON felt it was necessary to differentiate between concluding observations and general comments: Mrs. Jiménez Butragueño's remarks had been concluding observations, not general comments. He shared Mr. Neneman's opinion on the purpose of concluding observations.

41. Mr. TEXIER requested that the debate should not be prolonged indefinitely.

42. With the aim of dispelling a misunderstanding concerning the meeting of 26 January, he recalled that, when the Argentine delegation had finished replying to the questions put to it, none of the experts had indicated a wish to speak, and the Chairman had therefore declared the meeting closed. It was only then that the representative of a non-governmental organization defending the rights of indigenous persons had asserted to some of the experts that the replies given by Argentina were unsatisfactory on certain points such as the census figures for indigenous persons (200,000 according to Argentina, 1.5 million according to her organization), the way they were treated, etc. If the experts had been aware of those comments before the end of the meeting, they would have been able to ask additional questions. The conclusion to be drawn from that episode was that an attempt should be made to obtain information from non-governmental as well as governmental sources and that non-governmental organizations should be urged to make their statements in time. There was nothing to prevent the experts from making known, in their concluding observations, any lingering doubts in their minds with regard to the fate of the indigenous populations in Argentina.

FORMULATION OF SUGGESTIONS AND RECOMMENDATIONS OF A GENERAL NATURE BASED ON THE CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES TO THE COVENANT AND BY THE SPECIALIZED AGENCIES (COUNCIL RESOLUTION 1985/17) (agenda item 7) (continued)

Draft proposals for revised guidelines (E/CN.12/1990/Misc.4) (continued)

Mr. Sparsis took the Chair.

43. Mr. SIMMA said he wished to give some explanations on the purpose and philosophy of the proposed guidelines. When Mr. Neneman said that the guidelines perhaps went beyond the provisions of the Covenant, he was doubtless thinking of the questions related to the ILO conventions and feared that that instrument did not authorize the Committee to ask States for information on the manner in which they discharged international obligations under conventions that they had not ratified. In fact, the text mentioned only those ILO conventions which had a bearing on rights and obligations under articles 6 to 9 of the Covenant. After comparing the wording of some of the ILO conventions with that of articles 6 to 9, he had concluded that the content of those conventions was identical to that of the articles concerned. It seemed to him opportune, therefore, to ask States whether they were parties to those conventions and, if so, whether the ILO Committee of Experts had made any comments on the reports submitted, so as to enable those States which had acceded to those conventions to respond more easily to the questions asked. There was no intention of putting pressure on States which had not wished to ratify those conventions.

44. Perhaps Mr. Neneman had thought that a 25-page questionnaire would require replies that were too long both for the Committee and for Governments. However, as Mr. Konate had pointed out, many of the questions required a simple "yes" or "no" answer. Nevertheless, it would perhaps be a good thing to reduce the questionnaire to about 10 pages.

45. Mr. Konate had proposed the addition of a part C devoted to difficulties experienced, which would include mention of international assistance, and Ms. Taya had endorsed that proposal. In that connection, if the need for international assistance had not been emphasized, it was because, at the current and next sessions, members of the Committee were to formulate general comments on articles 22 and 23 of the Covenant and he had not wished to prejudice the outcome of that debate or do unnecessary work.

46. Ms. Taya had also requested that a fourth part should be devoted to the most vulnerable groups. In fact, close examination of the draft guidelines revealed that those groups were mentioned in connection with almost every article. That latter solution had seemed preferable because a group might be disadvantaged in exercising one right without necessarily being so in the case of another right.

47. Mr. Wimer Zambrano had requested that the guidelines should be kept to the essentials - which was indeed imperative - and had added that statistics were not necessary. It had been noted the previous week that there could be discrepancies between government statistics and those of the United Nations. He expressed the view, however, that it would be of interest in such a case to ask the representative of the reporting State to indicate the reasons for such discrepancies.

48. Mr. Sparsis had suggested that the draft guidelines should be as clear and concise as possible, that useful data should be requested and that particular attention should be given to vulnerable groups. He gave an assurance that these proposals would be taken into consideration. Mr. Sparsis having also requested that in part A (General) there should be a question on popular participation in decision-making, he pointed out that part A had already been adopted in its existing formulation by the Human Rights Committee and the Committee on the Elimination of Racial Discrimination; he was not certain, therefore, that it could be reworded. He requested members to submit their written comments on the draft guidelines to him by May 1990.

49. Mr. MARCHAN ROMERO congratulated Mr. Simma on his excellent work, which was very useful both to Governments and to the Committee. He disagreed with those who seemed to think that the draft guidelines were too long. Moreover, that document did not impose anything and did not require States to reply to all the questions. The Committee had never had occasion to complain that a State had presented a report which was too detailed, and, in that area, it was better to have too much information rather than not enough.

50. It might perhaps be desirable to make the guidelines less restrictive by requesting Governments to supply other information, where appropriate. The length of the document was not a cause for apprehension, since a well-organized document could be distributed between the different ministries of the reporting State. It could even be said that the more detailed the document was, the easier the work of those writing the national reports became.

51. He endorsed the idea put forward by Mr. Konate and Mr. Wimer Zambrano of adding a chapter on difficulties in implementing human rights. He also thought that States should provide the experts with their main statistical indicators, which the Committee could compare with the statistics of international organizations such as the ILO. Lastly, it might be useful to give States the opportunity of making proposals to the Committee on its working methods, with a view to improving them.

52. Mrs. JIMENEZ BUTRAGUEÑO said that, having been involved in drafting reports by her country, she knew how valuable well-devised guidelines were. She congratulated Mr. Simma on his excellent work and had only a few suggestions to make. It would be desirable, for example, to include an item on sectors of the population which were considered as marginal and which differed from one country to another. Moreover, raw data were of less interest than percentages (for example, regarding life expectancy for each sex, the birth rate, the percentage of the population over 65 years old, etc.). In addition to the ILO conventions, it would perhaps also be useful to refer to instruments such as the Convention on the Elimination of All Forms of Discrimination against Women. It would also be of great interest to know the proportion of a State's budget allocated, for example, to education, culture or justice.

53. Mr. FOFANA, though recognizing the value of Mr. Simma's work, thought that the Committee should give itself time for reflection before pronouncing on that document.

54. Mr. WIMER ZAMBRANO said he would like the draft guidelines to be simplified. It should not be forgotten that States had only 45 minutes to reply to the Committee's questions and that too many questions entailed too many replies. Moreover, a plethora of questions might enable States to make a choice and evade issues which they found embarrassing.

55. Mr. KOUZNETSOV said he did not agree with those who found that the document drafted by Mr. Simma contained an excessive number of questions. Governments had all the necessary latitude to enable them to reply to questions of interest to them, even if it meant that the Committee sometimes had to request further details on points which had been passed over.

56. Responding to the doubts expressed about the ability of government bodies which received the guidelines to respond fully to all the Committee's questions, he pointed out that it was for Governments to ensure that the Committee received a report that met its expectations. If that was not the case, the Committee was entitled to formulate comments, which should not be interpreted as being directed at Governments or States, but rather at the body that had prepared the report. The Committee was aware of the fact that some countries did not have the material and human resources necessary to provide comprehensive and satisfactory reports, and it would consider those reports with that in mind. However, there were also countries which, despite possessing all the necessary means, submitted reports of a quality which left a great deal to be desired; in such cases, the Committee's comments would have another significance.

57. Mr. ALVAREZ VITA added his congratulations to those of other members of the Committee on the work done by Mr. Simma. It was not his intention to be critical, but, rather, to put forward some constructive suggestions concerning a document which should reflect the views of the majority of the experts.

58. Referring to question 3 of part B of the document on article 6 of the Covenant (page 5 of the English version), question 2 on article 7 (page 6), question 1 on article 8 (page 8) and question 1 on article 9 (page 10), he expressed the view that it was inappropriate for the Committee to ask a State party whether or not it had acceded to a particular international convention: since it was supposed to possess that kind of information through its secretariat, the Committee might, by asking that type of question, cast doubt on its intellectual credibility.

59. With regard to question 3 (b) on article 7 (page 7), asking if in the State party there were any infringements of a principle contained in the Covenant, he considered that approach inappropriate, since it implicitly prejudged the situation in the country. Prudence should be exercised on that point, and the word "infringements" replaced by a term better suited to the question asked.

60. In regard to question 3 on article 8 of the Covenant (page 8), whereby the State party was requested to supply information of various kinds if it was not a party to certain ILO conventions, he said that the Committe was within its rights to ask freely for information from States parties, independently of their legal situation in regard to any international instrument whatsoever.

61. In reference to question 4 (b) on article 8 of the Covenant (page 9), where States parties were asked what restrictions were placed upon the exercise of the right to strike, he considered that, there too, the text implied that the Committee was prejudging the situation.

62. Questions 1 and 2 on article 10 (page 11) should be redrafted, as should question 7 (b) on article 10 (page 13), which gave the impression that the State party was being made to play the role of both judge and judged.

63. In question 2 (e) on article 12 (page 19), asking States parties the proportion of the population with regular access to 20 essential drugs, the question was more readily understandable in the case of a highly-developed country than in that of a developing country, where recourse to traditional remedies and healers was practised commonly and successfully.

64. In question 1 (a) on article 13 of the Covenant (page 20), where it was asked whether primary education was compulsory, there was a contradiction with the Covenant, which explicitly provided for the compulsory character of primary education, and he suggested that the State party should be asked, rather, how it was discharging that obligation.

65. He proposed including in the draft guidelines a question which had been raised in connection with the Argentine report, namely the manner in which international solidarity was manifested.

66. Mr. SIMMA said he regarded all the comments made by members of the Committee as constructive criticism.

67. Regarding the impression that the Committee might give by asking States parties whether they had acceded to a particular convention, he recalled that, in future, States would report to the Committee only once every five years, and that, consequently, the questions put to them would inevitably be of a general nature.

68. In regard to the questions Mr. Alvarez Vita feared would be interpreted by States as prejudging the degree of implementation of the rights set forth in the Covenant, he recalled that Mr. Alvarez Vita had not always been opposed to the use of the word "infringements", for example, in the case of France. Nevertheless, some of the questions could be improved by being formulated in a more diplomatic manner.

69. On the question of access to 20 essential drugs, he said that he had taken his lead from the list of indicators established by WHO within the framework of the Global Strategy for Health for All by the Year 2000, which included "access to 20 essential drugs". In any case, there was nothing in that question which excluded traditional medicine.

70. He agreed with Mrs. Jiménez Butragueño that it would be useful to add a more general question on the identification of underprivileged groups.

71. Responding to Mr. Marchan Romero, he stated that the proposed guidelines were in no way binding on States parties. They could reply to the questions of their choice, leaving it to the pre-sessional Working Group, where appropriate, to raise matters that the Government had evaded. To prevent the guidelines from being restrictive, the Committee could specifically invite States parties to give all additional information they deemed relevant.

72. The CHAIRMAN, summing up the discussion, noted that, on first reading, the draft guidelines drawn up by Mr. Simma seemed rather succinct to some members of the Committee, and too detailed to others. He added that it would be desirable for experts who had made suggestions to submit them to Mr. Simma in writing by the end of May 1990 at the latest.

73. After joining other members of the Committee in congratulating Mr. Simma on the quality of the work done, he declared the first reading of the draft guidelines to be completed.

The meeting rose at 12.55 p.m.